



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1084

state of emergency; automatic termination

Purpose

Terminates a state of emergency proclaimed by the Governor after 90 days, unless extended by the Legislature. Prohibits the Governor from issuing a new state of emergency proclamation for the same conditions as a terminated proclamation without the consent of the Legislature.

Background

The Governor may declare a state of emergency if the Governor finds that there exists conditions of disaster or extreme peril to the safety of persons or property within the state caused by air pollution, fire, flood, epidemic, riot, earthquake or other causes that are likely to be beyond the control of any single county or municipality ([A.R.S. § 26-301](#)). During a state of emergency, the Governor has complete authority over all agencies of the state government and the right to exercise all police power vested in the state by the Arizona Constitution. Additionally, the Governor may direct all agencies to utilize and employ personnel, equipment and facilities for the performance of activities designed to prevent or alleviate actual or threatened damage due to the emergency. The Governor's state of emergency powers end when the state of emergency proclamation has been terminated by proclamation of the Governor or concurrent resolution of the Legislature ([A.R.S. § 26-303](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Terminates a state of emergency proclaimed by the Governor 90 days after the date on which the state of emergency was proclaimed, unless extended by passage of a concurrent resolution of the Legislature.
2. Prohibits a legislative extension of a state of emergency from exceeding 90 days.
3. Allows the Legislature to extend a state of emergency as many times as necessary by concurrent resolution.
4. Prohibits the Governor, on termination of a state of emergency, from proclaiming a new state of emergency based on the same conditions without the passage of a concurrent resolution of the Legislature consenting to the new state of emergency.

5. Allows any citizen, if the Governor issues a state of emergency proclamation for the same conditions as a terminated state of emergency proclamation, to apply to a superior court for a writ of mandamus to compel the Governor to comply with the statutory prohibition.
6. Makes technical and conforming changes.
7. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Terminates a state of emergency proclaimed by the Governor 90 days, rather than 21 days, after the date it was proclaimed, unless extended by concurrent resolution of the Legislature
2. Prohibits a legislative extension of a state of emergency from exceeding 90 days, rather than 21 days.
3. Prohibits the Governor from proclaiming a new state of emergency based on the same conditions, rather than same or substantially similar facts and circumstances, as a terminated state of emergency without the consent of the Legislature.

Senate Action

GOV 01/25/21 DP 5-3-0

Prepared by Senate Research

March 2, 2021

MH/kja